

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of all others similarly situated,

Plaintiff,

v.

**SUNPATH, LTD.**, a Massachusetts corporation,

Defendant.

Case No. 1:22-cv-00081-LMB-WEF

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Plaintiff Ruth Smith (“Plaintiff”), by and through her counsel, respectfully moves this Court for an Order certifying the following proposed class of similarly situated individuals:

All persons who either reside in Virginia or who have telephone numbers with a Virginia area code, who (1) on or after May 14, 2018 through December 31, 2021; (2) had a number registered on the national Do Not Call Registry for at least thirty one days; (3) received at least one call placed by Chukran Management Group, LLC d/b/a American Protection Corp.; (4) that is reflected in the records produced by Five9, Inc.

In accordance with Local Rule 7(E), Plaintiff certifies that she conferred with SunPath regarding the requested relief. SunPath does not consent to the requested relief.

Dated: December 14, 2022

**RUTH SMITH**, individually and on behalf of all others similarly situated,

By: /s/ Francis J. Driscoll, Jr.  
One of Plaintiff's Attorneys

Francis J. Driscoll, Jr.  
(frank@driscolllawoffice.com)  
4669 South Blvd., Suite 107  
Virginia Beach, VA 23452  
Telephone: 757-321-0054  
Facsimile: 757-321-4020

Patrick H. Peluso  
ppeluso@woodrowpeluso.com  
Woodrow & Peluso, LLC  
3900 East Mexico Ave., Suite 300  
Denver, Colorado 80210  
Telephone: (720) 213-0675  
Facsimile: (303) 927-0809

Attorneys for Plaintiff and the Classes

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on December 14, 2022.

/s/ Francis J. Driscoll, Jr.